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United States Patent & Trademark Office

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FROM: Janet M. Martineau (Reg. No. 46,903)

RE: Application of: Ruben et al.
Application No. 09/981,876
Publication No.: US 2002/0164669 A1
Title: Secreted Protein HRGDF73

Atty. Docket No. PZ001G67AP1D1
Filed: October 19, 2001
Published: November 7, 2002

COMMENTS

Please see the attached Request for Corrected Publication Under 37 C.F.R.
§ 1.221(b) due to Material Office Mistake.

If you experience any difficulty receiving this transmission,
please contact Vanessa Robertson at (301) 315-2700.

VIA FACSIMILE JANUARY 7, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: RUBEN et al. Attorney Docket No.: PZ001G67AP1D1
Applicanon Serial No.: 09/981,876 Filed: October 19, 2001
Publication No.: US 2002/0164669 A1 Published: November 7, 2002
Examiner: To Be Assigned Art Unit: 1653
Title: Secreted Protein HRGDF73

#6

**REQUEST FOR CORRECTED PUBLICATION UNDER 37 C.F.R. § 1.221(b)
DUE TO MATERIAL OFFICE MISTAKE**

Box PGPUB
Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request a corrected publication of the above-listed application pursuant to 37 C.F.R. § 1.221(b) due to a material mistake made by the Office. In particular, the publication fails to list forty-four provisional applications (shown as Applications 50-93 on pages 1-2 of the Application) to which the instant application claims benefit under 35 U.S.C. § 119(e).

The above mistake is apparent from the Office records as the Official Filing Receipt contains the correct list of priority applications in its entirety.

Moreover, the above mistake is material, as the missing priority claims affect the use of the published application as prior art under 35 U.S.C. § 102(e). In particular, without the correct priority applications being listed, an examiner or member of the public would be unable to determine the correct effective date of the publication as a reference for at least some of the subject matter disclosed therein. In order to make such a

determination from the present publication, an examiner or member of the public would first be forced to obtain the correct priority information from the Office, thus undermining the use of the publication (and published applications in general) for § 102(e) purposes.

Accordingly, Applicants respectfully request that a corrected publication of the above-listed application be made pursuant to 37 C.F.R. § 1.221(b).

No fee is believed due for this submission. In the event that a fee is required in connection with this submission, please charge the required fee to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: January 7, 2003


Jancy M. Martineau (Reg. No. 46,903)
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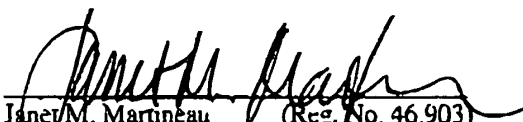
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KKH/JMM/JL/SA/vr

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

1. Fax Cover Sheet
2. Request for Corrected Publication Under 37 C.F.R. § 1.221(b) due to Material Office Mistake

I hereby certify that the above-listed correspondence is being facsimile transmitted to the United States Patent and Trademark Office on January 7, 2003


Janet M. Martineau (Reg. No. 46,903)
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